

Docket No.: F1866.0069
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yohei HIROKAWA

Application No.: 10/603,789

Confirmation No.: 4016

Filed: June 26, 2003

Art Unit: 2614

For: DATA TERMINAL DEVICE

Examiner: Q.H. Nguyen

SUBMISSION OF INFORMATION DISCLOSURE STATEMENT (IDS)

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the reference listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

- ☐ This IDS is being filed before the First Office Action¹.
- ☐ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².

- ☒ This IDS is being filed after the issuance of a Final Office Action, Ex Parte Quayle Action or Notice of Allowance but before the payment of the Issue Fee³.

Certifications:

If checked, the undersigned makes the following statement(s):

- ☒ Statement under 37 CFR § 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ Statement Under 37 C.F.R. § 1.704(d):

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

² The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

³ The IDS *must* include *both* a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application less than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

- ☒ If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ A legible copy⁴ of each document (or relevant portion thereof) cited in the attached PTO/SB/08, except for U.S. patent and U.S. published applications.
- ☒ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached.

This concise explanation is provided by way of:

- ☒ A translation of the abstract only;
- ☐ A translation of the relevant portions of the non-English language information⁵;

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

- ☐ A statement explaining the relevant portions of the non-English language information;
- ☒ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁶ of the communication from a foreign patent office in a counterpart foreign application (Japanese Patent Office, Office Action dated July 22, 2008 (and English translation of relevant portion)) in which the information was cited; or
- ☐ This information is contained in the specification of the present application.

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

⁵ 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, "is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c)."

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed reference.

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: September 5, 2008

Respectfully submitted,

By Richard LaCava

Richard LaCava

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F1866.0069

Claims: 1 through 11

Cited References: 1. Official Publication of Toku Kai
2002-5670

Remarks:

(On Claims 1 through 11)

In the case of the information terminal device which is described in Reference One, its decision on scale reduction was made on the basis of the speed of the movement. However, the method for calculating the rate of the movement on the basis of a plurality of location data that have been received at a plurality of times by the location data receiving part belongs to the realm of known technologies. To make a decision on the reduction of the scale on the basis of a plurality of location data that have been received by the location data receiving part at a plurality of times in the case of the information terminal device described in Reference 1 is a matter that can be suitably designed by the people in the industry.

In the case of the information terminal device that is described in Reference 1, moreover, the decision of a reduction in scale is carried out in the road map server. In the system which is described in Reference 1, however, the information for carrying out a decision on a reduction of the scale is held even by the information terminal device and, therefore, to make a decision as to a reduction in scale in the information terminal device is a matter of design consideration that the people in the industry can suitably resort to.

Record of the Result of a Survey of Prior Technical Literature.

Field Covered by the Survey:

IPC G 09 B 29/00 through 29/14

G 01 C 21/00

G 06 F 17/30

Prior Technical Literature:

This record of the result of a prior technical literature survey does not constitute a reason for rejection.

拒絶理由通知書

特許出願の番号	特願2002-192580
起案日	平成20年 7月14日
特許庁審査官	宮本 昭彦 9226 2T00
特許出願人代理人	石川 泰男(外 1名) 様
適用条文	第29条第2項

この出願は、次の理由によって拒絶をすべきものです。これについて意見がありましたら、この通知書の発送の日から60日以内に意見書を提出してください。

理 由

この出願の下記の請求項に係る発明は、その出願前に日本国内において頒布された下記の刊行物に記載された発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記

- ・請求項 1-11
- ・引用文献 1. 特開2002-5670号公報
- ・備考

[請求項1-11に対して]

文献1に記載された情報端末装置は、縮尺の決定が移動速度によって行われているが、位置データ受信部により複数回受信された複数の位置データに基づいて、移動速度を算出する手法は周知のものであり、文献1記載の情報端末装置において、位置データ受信部により複数回受信された複数の位置データに基づいて縮尺の決定を行うようにすることは、当業者が適宜設計し得ることである。

また、文献1に記載された情報端末装置は、道路地図サーバにおいて、縮尺の決定が行われているが、文献1記載のシステムにおいて、縮尺の決定を行うための情報は、情報端末装置でも保持しているものであり、情報端末装置において、縮尺の決定を行うことは、当業者が適宜設計し得ることである。

先行技術文献調査結果の記録

- ・調査した分野 IPC G09B 29/00 ~ 29/14
G01C 21/00
- 1 -

G O 6 F 1 7 / 3 0

・先行技術文献

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

・この拒絶理由通知の内容に関する問い合わせ先

特許審査第一部 電子ゲーム 宮本 昭彦

TEL : 03-3581-1101 内線3265